

Poe (TX)	Schmidt	Thompson (MS)
Polis (CO)	Schock	Thompson (PA)
Pomeroy	Schrader	Thornberry
Posey	Schwartz	Tiahrt
Price (GA)	Scott (GA)	Tiberi
Price (NC)	Scott (VA)	Tierney
Putnam	Sensenbrenner	Titus
Quigley	Serrano	Tonko
Radanovich	Sessions	Towns
Rahall	Sestak	Tsongas
Rangel	Shadegg	Turner
Rehberg	Shea-Porter	Upton
Reichert	Sherman	Van Hollen
Reyes	Shimkus	Velázquez
Richardson	Shuler	Visclosky
Rodriguez	Shuster	Walden
Roe (TN)	Simpson	Walz
Rogers (AL)	Sires	Wamp
Rogers (KY)	Skelton	Wasserman
Rohrabacher	Slaughter	Schultz
Rooney	Smith (NE)	Waters
Ros-Lehtinen	Smith (NJ)	Watson
Roskam	Smith (TX)	Watt
Ross	Smith (WA)	Waxman
Rothman (NJ)	Snyder	Weiner
Roybal-Allard	Souder	Welch
Royce	Space	Westmoreland
Ruppersberger	Speier	Wexler
Rush	Spratt	Whitfield
Ryan (OH)	Stark	Wilson (OH)
Ryan (WI)	Stearns	Wilson (SC)
Salazar	Sullivan	Wittman
Sanchez, Loretta	Sutton	Wolf
Sarbanes	Tanner	Woolsey
Scalise	Taylor	Wu
Schakowsky	Teague	Yarmuth
Schauer	Terry	Young (AK)
Schiff	Thompson (CA)	Young (FL)

NAYS—1

Berry

NOT VOTING—18

Aderholt	Dicks	Nunes
Broun (GA)	Ehlers	Rogers (MI)
Carter	Gordon (TN)	Sánchez, Linda
Cassidy	Kagen	T.
Chandler	McGovern	Stupak
Clay	McKeon	
Conaway	Murphy, Patrick	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1324

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BERRY. Mr. Speaker, on November 6, 2009, I made a mistake and voted “nay” on H.R. 3788 (rollcall vote 867). I meant to vote “yea” on H.R. 3788. I have the highest respect and appreciation for Corporal Joseph A. Tomci and his family, and I apologize for any anguish my vote may have caused them. His service is greatly appreciated, and this honor is a fitting tribute to him and his family.

MOMENT OF SILENCE FOR THE VICTIMS OF VIOLENCE IN ORLANDO, FLORIDA

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute.)

Ms. CORRINE BROWN of Florida. Madam Speaker, I am extremely sad to announce a tragedy in Orlando, Florida, today. Early reports are saying that at least two people are dead and six have been wounded in a mass shooting at an office building in downtown

Orlando. Seven people were taken to Orlando Regional Medical Center and one to Florida Hospital South.

My thoughts and prayers go out to the family and the victims. Madam Speaker, would you please ask the House to stand. These are two tragic back-to-back days in our country. Let's ask to pray for our country and for the families and the victims.

The SPEAKER. Will all Members rise and observe a moment of silence for the victims of violence in Orlando, Florida.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). Without objection, 5-minute voting will continue.

There was no objection.

JACK F. KEMP POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, S. 1211, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, S. 1211.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 26, as follows:

[Roll No. 868]

YEAS—408

Abercrombie	Brown, Corrine	Davis (TN)
Ackerman	Brown-Waite,	Deal (GA)
Adler (NJ)	Ginny	DeFazio
Akin	Buchanan	DeGette
Alexander	Burgess	Delahunt
Altmire	Burton (IN)	DeLauro
Andrews	Butterfield	Dent
Arcuri	Buyer	Diaz-Balart, L.
Austria	Calvert	Diaz-Balart, M.
Baca	Camp	Dingell
Bachmann	Campbell	Doggett
Bachus	Cantor	Donnelly (IN)
Baird	Cao	Doyle
Baldwin	Capito	Dreier
Barrett (SC)	Capps	Driehaus
Barrow	Capuano	Duncan
Bartlett	Cardoza	Edwards (MD)
Barton (TX)	Carnahan	Edwards (TX)
Bean	Carney	Ellsworth
Becerra	Carson (IN)	Emerson
Berkley	Castle	Engel
Berman	Castor (FL)	Eshoo
Berry	Chaffetz	Etheridge
Biggart	Childers	Fallin
Bilbray	Chu	Farr
Bilirakis	Clarke	Fattah
Bishop (GA)	Clay	Filner
Bishop (NY)	Cleaver	Flake
Bishop (UT)	Clyburn	Fleming
Blackburn	Coble	Forbes
Blumenauer	Cohen	Fortenberry
Blunt	Cole	Foster
Bocchieri	Connolly (VA)	Fox
Boehner	Conyers	Franks (AZ)
Bonner	Cooper	Frelinghuysen
Bono Mack	Costa	Fudge
Boozman	Costello	Gallely
Boren	Courtney	Garamendi
Boswell	Crenshaw	Garrett (NJ)
Boucher	Cuellar	Gerlach
Boustany	Culberson	Giffords
Boyd	Cummings	Gingrey (GA)
Brady (PA)	Dahlkemper	Gohmert
Brady (TX)	Davis (AL)	Gonzalez
Braley (IA)	Davis (CA)	Goodlatte
Bright	Davis (IL)	Granger
Brown (SC)	Davis (KY)	Graves

Grayson	Maffei	Rooney
Green, Al	Maloney	Ros-Lehtinen
Green, Gene	Manzullo	Roskam
Griffith	Marchant	Ross
Grijalva	Markey (CO)	Rothman (NJ)
Guthrie	Markey (MA)	Roybal-Allard
Gutierrez	Marshall	Royce
Hall (NY)	Massa	Ruppersberger
Hall (TX)	Matheson	Rush
Halvorson	Matsui	Ryan (OH)
Hare	McCarthy (CA)	Ryan (WI)
Harman	McCarthy (NY)	Salazar
Harper	McCaul	Sarbanes
Hastings (FL)	McClintock	Scalise
Hastings (WA)	McCollum	Schakowsky
Heinrich	McCotter	Schauer
Heller	McDermott	Schiff
Hensarling	McHenry	Schmidt
Herger	McIntyre	Schrader
Herseth Sandlin	McKeon	Schwartz
Higgins	McMahon	Scott (GA)
Hill	McMorris	Scott (VA)
Himes	Rodgers	Sensenbrenner
Hinchey	McNerney	Serrano
Hinojosa	Meek (FL)	Sessions
Hirono	Meeks (NY)	Sestak
Hodes	Melancon	Shadegg
Hoekstra	Mica	Shea-Porter
Holden	Michaud	Sherman
Holt	Miller (FL)	Shimkus
Honda	Miller (MI)	Shuler
Hoyer	Miller (NC)	Shuster
Hunter	Miller, Gary	Simpson
Inglis	Miller, George	Sires
Inslie	Minnick	Skelton
Israel	Mitchell	Smith (NE)
Issa	Mollohan	Smith (NJ)
Jackson (IL)	Moore (KS)	Smith (TX)
Jackson-Lee	Moore (WI)	Smith (WA)
(TX)	Moran (KS)	Snyder
Jenkins	Moran (VA)	Souder
Johnson (GA)	Murphy (CT)	Space
Johnson (IL)	Murphy (NY)	Speier
Johnson, E. B.	Murphy, Tim	Spratt
Johnson, Sam	Murtha	Stark
Jones	Myrick	Stearns
Jordan (OH)	Nadler (NY)	Stupak
Kagen	Napolitano	Sullivan
Kanjorski	Neal (MA)	Sutton
Kaptur	Neugebauer	Tanner
Kennedy	Nye	Taylor
Kildee	Oberstar	Teague
Kilpatrick (MI)	Obey	Terry
Kilroy	Olson	Thompson (CA)
Kind	Olver	Thompson (MS)
King (IA)	Ortiz	Thompson (PA)
King (NY)	Owens	Thornberry
Kingston	Pallone	Tiahrt
Kirk	Pascarella	Tiberi
Kirkpatrick (AZ)	Pastor (AZ)	Titus
Kissell	Paul	Tierney
Klein (FL)	Paulsen	Titus
Kline (MN)	Payne	Tonko
Kosmas	Pence	Towns
Kratovil	Perlmutter	Tsongas
Kucinich	Perriello	Turner
Lamborn	Peters	Upton
Lance	Peterson	Van Hollen
Langevin	Petri	Velázquez
Larson (CT)	Pingree (ME)	Visclosky
Latham	Pitts	Walden
LaTourette	Platts	Walz
Latta	Poe (TX)	Wamp
Lee (CA)	Polis (CO)	Wasserman
Lee (NY)	Pomeroy	Schultz
Levin	Posey	Waters
Lewis (CA)	Price (GA)	Watson
Lewis (GA)	Price (NC)	Watt
Linder	Putnam	Waxman
Lipinski	Quigley	Weiner
LoBiondo	Radanovich	Welch
Loeb sack	Rahall	Wexler
Lowe	Rehberg	Whitfield
Lucas	Reichert	Wilson (OH)
Luetkemeyer	Reyes	Wilson (SC)
Luján	Richardson	Wittman
Lummis	Rodriguez	Wolf
Lungren, Daniel	Roe (TN)	Wu
E.	Rogers (AL)	Yarmuth
Lynch	Rogers (KY)	Young (AK)
Mack	Rohrabacher	Young (FL)

NOT VOTING—26

Conaway	Gordon (TN)
Crowley	Larsen (WA)
Dicks	Lofgren, Zoe
Ehlers	McGovern
Ellison	Murphy, Patrick
Frank (MA)	Nunes

Rangel
Rogers (MI)
Sánchez, Linda
T.
Sanchez, Loretta Woolsey
Schock
Slaughter
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). One minute remains in this vote.

□ 1335

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CHEMICAL FACILITY ANTI-TERRORISM ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 885 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2868.

□ 1335

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2868) to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes, with Mr. SALAZAR (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, November 5, 2009, all time for general debate had expired.

In lieu of the amendments in the nature of a substitute recommended by the Committees on Homeland Security and Energy and Commerce printed in the bill, the amendment in the nature of a substitute printed in part A of House Report 111-327 shall be considered as an original bill for purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Chemical and Water Security Act of 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHEMICAL FACILITY SECURITY

Sec. 101. Short title.

Sec. 102. Findings and purpose.

Sec. 103. Extension, modification, and recodification of authority of Secretary of Homeland Security to regulate security practices at chemical facilities.

TITLE II—DRINKING WATER SECURITY

Sec. 201. Short title.

Sec. 202. Intentional acts affecting the security of covered water systems.

Sec. 203. Study to assess the threat of contamination of drinking water distribution systems.

TITLE III—WASTEWATER TREATMENT WORKS SECURITY

Sec. 301. Short title.

Sec. 302. Wastewater treatment works security.

TITLE I—CHEMICAL FACILITY SECURITY

SEC. 101. SHORT TITLE.

This title may be cited as the “Chemical Facility Anti-Terrorism Act of 2009”.

SEC. 102. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Nation’s chemical sector represents a target that terrorists could exploit to cause consequences, including death, injury, or serious adverse effects to human health, the environment, critical infrastructure, public health, homeland security, national security, and the national economy.

(2) Chemical facilities that pose such potential consequences and that are vulnerable to terrorist attacks must be protected.

(3) The Secretary of Homeland Security has statutory authority pursuant to section 550 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295) to regulate the security practices at chemical facilities that are at significant risk of being terrorist targets.

(4) The Secretary of Homeland Security issued interim final regulations called the Chemical Facility Anti-Terrorism Standards, which became effective on June 8, 2007.

(b) **PURPOSE.**—The purpose of this title is to modify and make permanent the authority of the Secretary of Homeland Security to regulate security practices at chemical facilities.

SEC. 103. EXTENSION, MODIFICATION, AND RECODIFICATION OF AUTHORITY OF SECRETARY OF HOMELAND SECURITY TO REGULATE SECURITY PRACTICES AT CHEMICAL FACILITIES.

(a) **IN GENERAL.**—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following new title:

“TITLE XXI—REGULATION OF SECURITY PRACTICES AT CHEMICAL FACILITIES

“SEC. 2101. DEFINITIONS.

“In this title, the following definitions apply:

“(1) The term ‘chemical facility’ means any facility—

“(A) at which the owner or operator of the facility possesses or plans to possess at any relevant point in time a substance of concern; or

“(B) that meets other risk-related criteria identified by the Secretary.

“(2) The term ‘chemical facility security performance standards’ means risk-based standards established by the Secretary to ensure or enhance the security of a chemical facility against a chemical facility terrorist incident that are designed to address the following:

“(A) Restricting the area perimeter.

“(B) Securing site assets.

“(C) Screening and controlling access to the facility and to restricted areas within the facility by screening or inspecting individuals and vehicles as they enter, including—

“(i) measures to deter the unauthorized introduction of dangerous substances and devices that may facilitate a chemical facility terrorist incident or actions having serious negative consequences for the population surrounding the chemical facility; and

“(ii) measures implementing a regularly updated identification system that checks

the identification of chemical facility personnel and other persons seeking access to the chemical facility and that discourages abuse through established disciplinary measures.

“(D) Methods to deter, detect, and delay a chemical facility terrorist incident, creating sufficient time between detection of a chemical facility terrorist incident and the point at which the chemical facility terrorist incident becomes successful, including measures to—

“(i) deter vehicles from penetrating the chemical facility perimeter, gaining unauthorized access to restricted areas, or otherwise presenting a hazard to potentially critical targets;

“(ii) deter chemical facility terrorist incidents through visible, professional, well-maintained security measures and systems, including security personnel, detection systems, barriers and barricades, and hardened or reduced value targets;

“(iii) detect chemical facility terrorist incidents at early stages through counter surveillance, frustration of opportunity to observe potential targets, surveillance and sensing systems, and barriers and barricades; and

“(iv) delay a chemical facility terrorist incident for a sufficient period of time so as to allow appropriate response through on-site security response, barriers and barricades, hardened targets, and well-coordinated response planning.

“(E) Securing and monitoring the shipping, receipt, and storage of a substance of concern for the chemical facility.

“(F) Deterring theft or diversion of a substance of concern.

“(G) Deterring insider sabotage.

“(H) Deterring cyber sabotage, including by preventing unauthorized onsite or remote access to critical process controls, including supervisory control and data acquisition systems, distributed control systems, process control systems, industrial control systems, critical business systems, and other sensitive computerized systems.

“(I) Developing and exercising an internal emergency plan for owners, operators, and covered individuals of a covered chemical facility for responding to chemical facility terrorist incidents at the facility. Any such plan shall include the provision of appropriate information to any local emergency planning committee, local law enforcement officials, and emergency response providers to ensure an effective, collective response to terrorist incidents.

“(J) Maintaining effective monitoring, communications, and warning systems, including—

“(i) measures designed to ensure that security systems and equipment are in good working order and inspected, tested, calibrated, and otherwise maintained;

“(ii) measures designed to regularly test security systems, note deficiencies, correct for detected deficiencies, and record results so that they are available for inspection by the Department; and

“(iii) measures to allow the chemical facility to promptly identify and respond to security system and equipment failures or malfunctions.

“(K) Ensuring mandatory annual security training, exercises, and drills of chemical facility personnel appropriate to their roles, responsibilities, and access to chemicals, including participation by local law enforcement, local emergency response providers, appropriate supervisory and non-supervisory facility employees and their employee representatives, if any.

“(L) Performing personnel surety for individuals with access to restricted areas or critical assets by conducting appropriate